

REMARKS

Pending Claims

Entry of the above-noted amendments to the claims is respectfully requested. Upon entry, claims 18-24 are currently pending. Claim 18 is amended. Claim 19 has not been altered since filing. Claims 20-24 have been added.

Rejections under 35 U.S.C. §103

The Examiner has rejected claim 18 as being unpatentable over Berry (WO 99/56254) in view of White (U.S. Pat. No. 6,199,114), and claim 19 over White in view of Atsmon (US 6,607,136). The Applicant respectfully requests reconsideration of these rejections in light of the comments below.

With regard to Berry, the Examiner describes that Berry includes all of the elements recited in claim 18 except for the reader device. The Applicant respectfully notes that Berry fails to show several of the other elements recited in claim 18. Applicant's system is geared toward providing a user-specific experience at a kiosk within a retail store. This presents challenges in identifying the user and accessing previously stored information about the user that are not of concern for Berry because Berry describes a home-based system. See, for example, Berry at page 5, line 2: "A user base may be at home or in an office . . ." Claim 18 recites that Applicant's reader device and the kiosk are located "in a retail store" which is not shown or suggested by Berry's home/office-based system. Still further, Berry does not provide for the storage of a "preferred portal and login data for portal". Because Berry does not include a reader device, Berry cannot and does not show or suggest "means...for accessing the user's preferred portal and login data from said database...upon presentment of the physical embodiment of the user identifier to said reader device". Further, Berry cannot and does not show or suggest "means... and for logging the user into the preferred portal, upon presentment of the physical embodiment of the user identifier to said reader device".

The Examiner does not cite any motivation in Berry to add a reader device; therefore a prima facie case of obviousness is not established. Rather, a hindsight addition of the reader from White is added to Berry.

In any event, White does not bridge the gap between the teaching of Berry and the claimed invention. Like Berry, White describes a home-based system and therefore

does not meet the limitation of "in a retail store". Further, White does seem to show that a user, upon being identified, may be routed to a particular web site. White does not, however, automatically log the user into that portal based on stored information; rather the user in White must type in their password to log into the site. See, for example, col. 7, line 19 et seq: "Assuming access is authorized, the log-in service 515 determines the user(s) associated with the WebTV box 10 and transmits a log-in screen... When the user selects one of the displayed usernames and enters an optional password associated with his/her account, a log-on request is transmitted to the log-in service 515. In response to the log-on request by the WebTV box, the log-in service consults the customer database to verify the user password". This involves a number of steps and input from the user. In contrast, with the system recited in claim 18, the user can be automatically logged in simply "upon presentment" of the physical embodiment of their user ID.

In rejecting claim 19, the Examiner applies White in view of Atsmon, describing that White shows all elements of claim 19 except the loyalty point feature. The Applicant respectfully submits that White provides no motivation for including a loyalty point system and therefore a *prima facie* case of obviousness has not been made. Rather, this combination is made as a hindsight combining of features that were not suggested by White.

New Claims

Claims 20-24 are new claims supported by the specification as originally filed. Claims 20-23 depend from claim 18 and are submitted to be patentably distinguishable for the reasons discussed above with regard to claim 18. Claim 24 is an independent claim, that recites all of the elements recited in claim 18 and is, therefore, patentably distinguishable for the reasons discussed above with regard to claim 18. Claims 20-24 recite additional features that are of particular import given the retail-store nature of this system. For example, when a user purchases a wireless phone, the system recited in claims 23 and 24 provides for stored information about the customer to be used to set up wireless service for the customer, upon presentment of the physical embodiment of the user identifier. Other dependent claims recite features which offer similar advantage, in that the provisioning of accounts and services is expedited at the retail store location where, for example, electronic devices like cell phones and computers, are

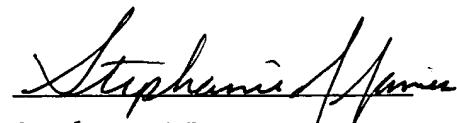
purchased. Signing up for these types of services typically requires the user to provide information about themselves and this process can be a barrier to signing up for services. The system recited herein reducing the hassles and tedium of signing up for such services by using the physical embodiment of the user identifier to access stored information to streamline the process of signing up for services. Because none of the cited references describe a system used in a retail store setting, they have not anticipated nor do they suggest the Applicant's claimed system.

CONCLUSION

The Applicant respectfully submit that this application is in condition for allowance. A notice to that effect is earnestly solicited. The Examiner is invited to call the Applicant's representative if allowance of this case would be assisted thereby.

Respectfully submitted,
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By its attorneys:

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